

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re:	:	
	:	
MIRELLA AMELIA BULAWA,	:	
a/k/a MIRELLA A. BULAWA,	:	
a/k/a MIRELLA BULAWA	:	Chapter 13
	:	Case No. 5:23-bk-01631-MJC
Debtor,	:	
	:	
MIRELLA BULAWA,	:	
	:	
Plaintiff,	:	Adversary Proceeding No.:
	:	
v.	:	5:23-ap-00043-MJC
	:	
SALVATORE ALBANESE,	:	
	:	
Defendant,	:	

CERTIFICATE OF SERVICE

I, Robert J. Kidwell, Esquire, having been duly sworn upon my oath state that I did serve a copy of the Summons and Adversary Complaint by certified mail return receipt requested and by United States Postal Service first class mail with postage pre-paid thereon to the following non-CM/ECF participants at the following addresses:

Salvatore ALBANESE
672 Smallwood Rd.
Ridgeway, SC 29130

/s/ Robert J. Kidwell
Robert J. Kidwell, Esq.
(PA ID No. 206555)
NEWMAN WILLIAMS, P.C.
712 Monroe Street
Stroudsburg, PA 183360
T: (570) 421-9090
F: (570) 424-9739
rkidwell@newmanwilliams.com
Attorney for Plaintiff/Debtor



Newman Williams, P.C.

ATTORNEYS AT LAW

A Professional Corporation

P. O. Box 511
712 Monroe Street
Stroudsburg, PA 18360
570.421.9090

www.newmanwilliams.com

September 6, 2023

Via First Class Mail and Certified Mail: 7022 2410 0002 8659 1047

Mr. Salvatore Albanese
672 Smallwood Road
Ridgeway, SC 29130-8724

***RE: Mirella Bulawa v. Salvatore Albanese
Bankruptcy Case No.: 5:23-bk-1631
Adversary Proceeding No.: 5:23-ap-00043
Our File No.: 025926/58386***

Dear Mr. Albanese:

Enclosed please find copies of the Complaint and Summons filed yesterday on behalf of Ms. Mirella Bulawa in the above-referenced Bankruptcy/Adversary Proceeding case. Thank you.

Very truly yours,

Robert J. Kidwell

RJK:gt
cc. Ms. Mirella Bulawa

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re:	:	
	:	
MIRELLA AMELIA BULAWA,	:	
a/k/a MIRELLA A. BULAWA,	:	
a/k/a MIRELLA BULAWA	:	Chapter 13
	:	Case No. 23-1631
Debtor,	:	
	:	
MIRELLA BULAWA,	:	
	:	
Plaintiff,	:	Adversary Proceeding No.:
	:	
v.	:	5:23-ap-_____
	:	
SALVATORE ALBANESE,	:	
	:	
Defendant,	:	

**ADVERSARY COMPLAINT
ON BEHALF OF DEBTOR**

AND NOW COMES Debtor/Plaintiff, Mirella Bulawa, by and through her attorneys,
with this Complaint seeking the turnover of a 2006 National Freightliner Class A Recreational
Vehicle and a 2021 Homesteader Trailer and in support thereof avers as follows:

1. Debtor/Plaintiff, Mirella Bulawa, is an adult individual residing at 373 Mountain View Dr., Kunkletown, Monroe County, Pennsylvania.
2. Defendant, Salvatore Albanese, is an adult individual with a last known address of 672 Smallwood Rd., Ridgeway, South Carolina 29130-8724.
3. Plaintiff and Defendant were at one time in a relationship with one another.
4. While together, Plaintiff and Defendant decided to purchase a Recreational Vehicle and Trailer together.

5. On May 13, 2021, the couple purchased a 2006 National Freightliner Class A Recreational Vehicle (the “RV”) for \$72,379 and a 2021 Homesteader trailer (the “Trailer”) for \$6,299.
6. The RV was in good condition when it was purchased and it is believed, and therefore averred, there is approximately 70,000 miles currently on it.
7. Both the Plaintiff and the Defendant own an equal share of the RV and Trailer.
8. The relationship between Plaintiff and the Defendant ended sometime after the purchase of the RV and Trailer.
9. As a result, the Defendant moved out of the residence that he was sharing with the Debtor/Plaintiff.
10. When the Defendant moved out, he took the RV with him while the Plaintiff remains in possession of the Trailer.
11. Plaintiff is unable to sell the Trailer on her own, however, since Defendant is a co-owner.
12. The RV bears VIN# 4UZAB2DC96CW03496 and the Trailer bears VIN# 4X4TTHG266M007511. The registration information is attached hereto as **Exhibit “A”** and is incorporated herein by reference as though fully set forth herein.
13. Plaintiff believes and therefore avers that her share in the RV is worth \$ 36,189.50 and her share of the Trailer is \$3,149.50.
14. Plaintiff believes and therefore avers that the Defendant has possession of the RV.
15. The Defendant has failed and refused, despite repeated demands by Plaintiff, to deliver possession of the RV to Plaintiff.

COUNT I: TURNOVER

16. Plaintiff incorporates the averments of 1 through 14 above as if set out at length.

17. “Except as provided in subsection (c) or (d) of this section, an entity, other than a custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell, or lease under section 363 of this title, or that the debtor may exempt under section 522 of this title, shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate.” *11 U.S.C. § 542(b)*.

18. Debtor is empowered by 11 U.S. Code §§ 1303 & 363(d) to use property of the Estate.

19. Debtor is authorized to compel turnover under these circumstances by 11 U.S.C. § 522(g) and authorized to avoid any transfer by 11 U.S.C. § 522(h).

20. This Court has jurisdiction over Count I pursuant to 28 U.S.C. §§ 1334(a) & 1408.

21. Count I of the Complaint constitutes a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), (B), (K) and (O).

22. Plaintiff consents to entry of final order or judgment by the Bankruptcy Court with regard to Count I.

WHEREFORE, Plaintiff, Mirella Bulawa, prays this Honorable Court for an Order entering judgment in her favor and against Salvatore Albanese that Salvatore Albanese be ordered to turnover and/or sell Plaintiff’s share in the RV, that the parties be ordered to sell the Trailer, and for such other and further relief as the Honorable Court deems just and appropriate.

NEWMAN WILLIAMS P.C

By: /s/ Robert J. Kidwell, Esquire
712 Monroe Street
Stroudsburg, PA 18360
Attorney for Plaintiff

Date: September 5, 2023

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

In re:

Mirella Amelia Bulawa
aka Mirella A. Bulawa
aka Mirella Bulawa
Debtor(s)

Chapter 13

Mirella Amelia Bulawa
Plaintiff(s)

Case No. 5:23-bk-01631-MJC

vs.

Adversary No. 5:23-ap-00043-MJC

Salvatore ALBANESE
Defendant(s)

Summons

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court no later than October 5, 2023, except that the United States and its offices and agencies shall file a motion or answer to the complaint no later than October 10, 2023.

Address of Clerk

Max Rosenn U.S. Courthouse
197 South Main Street
Wilkes-Barre, PA 18701

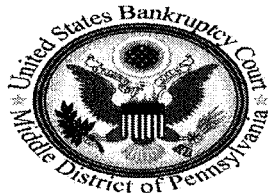
At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

**Name and Address of
Plaintiff's Attorney**

Robert J Kidwell, III
Newman Williams
712 Monroe Street
Stroudsburg, PA 18360

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR
CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY
DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**



s/Terrence S. Miller

Terrence S. Miller
Clerk, U.S. Bankruptcy Court
197 S Main Street
Wilkes-Barre, PA 18701

Dated: September 5, 2023

CERTIFICATE OF SERVICE

I, _____ (name), certify that service of this summons and a copy of the complaint was made _____ (date) by:

___ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

___ Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:

___ Residence Service: By leaving the process with the following adult at:

___ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

___ Publication: The defendant was served as follows: [Describe briefly]:

___ State Law: The defendant was served pursuant to the laws of the State of _____, as follows:
[Describe briefly]:

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date: _____ Signature: _____

Printed Name of Attorney:

Business Address:

7022 2410 0000 8659 1047

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See Reverse for Instructions

Salvatore Albanese

672 Smallwood Road

Ridgeway SC 29130-8724

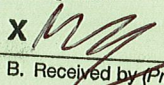
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PA 18360

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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature X </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																	
<p>1. Article Addressed to:</p> <p>Salvatore Albanese 672 Smallwood Road Ridgeway, SC 29130-8704</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery</p>																
<p>2. Article Number (Transfer from service label)</p> <p>7022 2410 0002 8659 1047</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																	
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<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>																	